

**DRAFT**  
**A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD NOVEMBER 10, 2004 AT 11:00 A.M. IN WARRENTON, VIRGINIA**

**P R E S E N T**     Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman;  
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;  
Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County  
Attorney

**A B S E N T**        None

**AGENDA REVIEW**

Talmage Reeves, Director of the Economic Development Office, introduced Susanne Graham, new Director of the Small Business Development Center located at Lord Fairfax Community College, Fauquier Campus. The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO REVIEW THE CITY OF FREDERICKSBURG PROPOSED  
CONSERVATION EASEMENT - RAPPAHANNOCK RIVER**

Anthony Hooper, Deputy County Administrator, led a presentation on a proposed conservation easement along the Rappahannock River. Mr. Hooper introduced officials of the City of Fredericksburg, including City Manager Phillip Rodenburg, Vice Mayor Billy Withers, and Councilman Matt Kelly. Also present for the discussion were John Tippet, Executive Director of the Friends of the Rappahannock, and Ridge Schyler, Piedmont Project Director for The Nature Conservancy.

**ZONING ORDINANCE TEXT AMENDMENT TO CREATE A PURCHASE OF  
DEVELOPMENT RIGHTS INCENTIVE DISTRICT WITHIN SERVICE DISTRICTS**

Rick Carr, Director of Community Development, and Todd Benson, Deputy Zoning Administrator, reviewed a proposed Zoning Ordinance text amendment to create a Purchase of Development Rights incentive within Service Districts.

**PRESENTATION BY THE FAUQUIER COUNTY PUBLIC SCHOOLS REQUESTING  
THAT ADDITIONAL FUNDING FOR THE RENOVATION OF CLAUDE THOMPSON  
ELEMENTARY SCHOOL (CTES) BE INCLUDED IN THE FISCAL YEAR 2005  
CAPITAL IMPROVEMENT PROGRAM**

The Board of Supervisors received a presentation led by Broni Lambelet, School Board Chair, Jay VanGelder, School Board member, and David Martin, Superintendent of Schools, regarding design plan options for the renovation of Claude Thompson Elementary School. The Board discussed a request for additional funding for the renovation of Claude Thompson Elementary School, and concurred that the funding request would be scheduled for public hearing during its next meeting on December 9, 2004.

The meeting was reconvened in Regular Session at 6:30 p.m.

**ADOPTION OF THE AGENDA**

Mr. Graham moved to adopt the agenda with the following change. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

- Add Consent agenda item “o”, A Resolution Reconstituting the New Baltimore Comprehensive Plan Service District Citizens Committee for the Purpose of Reviewing and Making Recommendations to the Planning Commission and Board of Supervisors on Updating the Service District Plan for the New Baltimore Service District.

#### **CITIZENS' TIME**

- Earsaline Anderson, Center District, presented the Board with a history of Northwestern/Claude Thompson Elementary School, and a petition from residents favoring renovation of the existing building.
- Norman Goodensmith, Pastor of Mount Olive Baptist Church in Rectortown, spoke in favor of renovating Claude Thompson Elementary School.

#### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Downey presented to Don Rose a Proclamation to Recognize November as Native American Indian History Month in Fauquier County.
- Mr. Stribling presented to Betty Putnam, Principal of M.M. Pierced Elementary School, a Proclamation to Recognize the Faculty and Staff of M. M. Pierce Elementary School for their Courageous Actions and Service to the Community During the Recent Tornado.

#### **CONSENT AGENDA**

Mr. Graham moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**Approval of the Minutes for the October 14, 2004 Regular Meeting of the Fauquier County Board of Supervisors**

**A Resolution to Amend the Fauquier County Board of Supervisors' 2005 Legislative Priorities**

RESOLUTION

A RESOLUTION TO AMEND THE FAUQUIER COUNTY BOARD OF SUPERVISORS'  
2005 LEGISLATIVE PRIORITIES

WHEREAS, Fauquier County has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, on July 19, 2004, the Board adopted its legislative priorities; and

WHEREAS, from time to time the Board may revise its Legislative Program to include additional legislative priorities and issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2004, That the Board of Supervisors' 2005 Legislative Program be, and is hereby, amended to include the following priority:

- Reduction of Speed Limits: The Fauquier County Board of Supervisors supports a legislative priority to reduce the maximum speed limit on all secondary roads in Fauquier County to 45 miles per hour.

**A Resolution to Increase the Tipping Fee for Construction and Demolition Debris from \$30 to \$38 a Ton**

RESOLUTION

A RESOLUTION TO INCREASE THE TIPPING FEE FOR CONSTRUCTION AND  
DEMOLITION DEBRIS FROM \$30.00 A TON TO \$38.00 A TON

WHEREAS, the Board of Supervisors requested that staff monitor the volume of Construction and Demolition Debris received at the landfill in order to establish market rates and to ensure that the available airspace will be effectively utilized by FY 2008; and

WHEREAS, the tonnage received at the landfill has increased to the extent that a fee adjustment is warranted; and

WHEREAS, on October 14, 2004, the Board of Supervisors conducted a public hearing to receive citizen comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the fee for Construction and Demolition Debris be, and is hereby, established at \$38.00 a ton, effective November 1, 2004.

**A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Ordinance Amending Fauquier County Code Section 8-32 to Increase the E-911 Levy from \$2.00 to \$3.00 Per Month Per Access Line and to Exempt from Payment of the Tax Any Subscriber of Individual Telephone Service Who Resides in a Nursing Home or Similar Adult Care Facility**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING FAUQUIER COUNTY CODE SECTION 8-32 TO INCREASE THE E-911 LEVY FROM \$2.00 TO \$3.00 PER MONTH PER ACCESS LINE AND TO EXEMPT FROM PAYMENT OF THE TAX ANY SUBSCRIBER OF INDIVIDUAL TELEPHONE SERVICE WHO RESIDES IN A NURSING HOME OR SIMILAR ADULT CARE FACILITY

WHEREAS, Section 8-32 of the Code of Fauquier County imposes a \$2.00 per month per line tax on consumers of telephone services for the construction, operation, and maintenance of the Warrenton-Fauquier Joint Communication Center's E-911 system; and

WHEREAS, the current \$2.00 tax is insufficient to pay for the present cost of the construction, operation, and maintenance of the Warrenton-Fauquier Joint Communication Center's E-911 system; and

WHEREAS, the Public Safety Committee has unanimously recommended that the Board of Supervisors consider amending Section 8-32 of the Code of Fauquier County to increase the E-911 tax to \$3.00 per month per line; and

WHEREAS, the Public Safety Committee has unanimously recommended that the Board of Supervisors consider amending Section 8-32 of the Code of Fauquier County to exempt from the payment of the E-911 tax any subscriber of individual telephone service who resides in a nursing home or similar adult care facility; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2004, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed Ordinance amending Fauquier County Code Section 8-32 to increase the E-911 tax levy from \$2.00 to \$3.00 per month per access line, and to exempt from payment of the tax any subscriber of individual telephone service who resides in a nursing home or similar adult care facility.

**A Resolution Authorizing the Rappahannock-Rapidan Community Services Board to Borrow \$3.2 Million from the Rural Development Authority**

## RESOLUTION

### A RESOLUTION AUTHORIZING THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD TO BORROW \$3.2 MILLION FROM THE RURAL DEVELOPMENT AUTHORITY

WHEREAS, the Rappahannock-Rapidan Community Services Board has determined that it is feasible to borrow funds for the acquisition of property and development of the project (including, but not limited to, construction of facilities, site work, fees, expenses, furnishings, carrying expenses, and so forth) in relation to the establishment of a facility for an alcohol and drug rehabilitation program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the Board does hereby authorize the Rappahannock-Rapidan Community Services Board to borrow up to \$3.2 million for the purchase, construction, and development of a facility for an alcohol and drug rehabilitation program; and, be it

RESOLVED FURTHER, That in granting this authority, Fauquier County assumes no liability for any such indebtedness; and, be it

RESOLVED FINALLY, That the approval granted herein is conditioned expressly upon the Rappahannock-Rapidan Community Services Board entering into a financing transaction that conforms to Virginia law.

### **A Resolution Directing the County Administrator to Schedule a Public Hearing Regarding the Approval of a Contract for the Lease and Operation of a Fixed Base Operator (FBO) Concession at the Warrenton-Fauquier Airport**

## RESOLUTION

### A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING REGARDING THE APPROVAL OF A CONTRACT FOR THE LEASE AND OPERATION OF A FIXED BASE OPERATOR (FBO) CONCESSION AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, on December 31, 2004, the existing lease for Fixed Base Operator (FBO) services at the Warrenton-Fauquier Airport expires; and

WHEREAS, the Fauquier County Airport Committee and County staff have solicited and evaluated request for proposals for FBO services; and

WHEREAS, the Fauquier County Airport Committee has unanimously recommended that Essar Aviation, LLC, be awarded the lease; and

WHEREAS, a draft lease has been prepared; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the County Administrator be, and is hereby, directed to schedule a public hearing for December 9, 2004, regarding the lease and contract with Essar Aviation, LLC, at the Warrenton-Fauquier Airport.

**A Resolution to Request that the Virginia Department of Transportation Install No Parking Signs on Rogers Ford Road (Route 632), Phelps Wildlife Management Area**

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION INSTALL NO PARKING SIGNS ON ROGERS FORD ROAD  
(ROUTE 632), PHELPS WILDLIFE MANAGEMENT AREA

WHEREAS, the Fauquier County Transportation Committee received a request from Bill Glenz, resident on Rogers Ford Road (Route 632), for "No Parking" signage on Rogers Ford Road near Comer Lane and the Chester Phelps Wildlife Management Area; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for "No Parking" signage, so VDOT may accommodate these requests; and

WHEREAS, on October 5, 2004, the Fauquier County Transportation Committee recommended approval of the requested "No Parking" signage; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the Board of Supervisors does hereby authorize the County's request for installation and maintenance by VDOT of "No Parking" signage on Rogers Ford Road (Route 632) near Comer Lane and the Chester Phelps Wildlife Management Area.

**A Resolution to Approve Preliminary Plat PPLT05-SC-013, Preliminary Subdivision Plat Eleanor J. Butler and Nicholas F. and Michele A. Glowicki Properties, Scott Magisterial District**

RESOLUTION

A RESOLUTION TO APPROVE PRELIMINARY PLAT PPLT05-SC-013,  
PRELIMINARY SUBDIVISION PLAT ELEANOR J. BUTLER AND NICHOLAS F.  
AND MICHELE A. GLOWICKI PROPERTIES,  
SCOTT MAGISTERIAL DISTRICT

WHEREAS, Eleanor J. Butler and Nicholas F. & Michele A. Glowicki, owners/applicants, have submitted a preliminary subdivision plat for two (2) single-family lots on Parcel Identification Numbers 7905-86-7609-000 and 7905-86-7871-000; and

WHEREAS, the Fauquier County Planning Commission voted to approve Preliminary Plat #PPLT05-SC-013, subject to a waiver of the final construction plan and separate final plat requirements; and

WHEREAS, on July 21, 2003, the Fauquier County Board of Supervisors approved the companion Rezoning application; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2004, That the Board does approve Preliminary Plat #PPLT05-SC-013, Eleanor J. Butler and Nicholas F. & Michele A. Glowicki properties, subject to a waiver of the final construction plan and separate final plat requirements.

**Preliminary Plat PPLT05-MA-009: Nizer Subdivision, Marshall Magisterial District**

No action was taken.

**Preliminary Plat PPLT05-LE-007: Summer Sky (Phase 2) Subdivision, Lee Magisterial District**

No action was taken.

**Final Subdivision Plan for Cedar Brooke Phases 8, 9 and 10 (Formerly Reynard's Crossing), Lee Magisterial District**

No action was taken.

**A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Boundary Adjustment of 3.3889 Acres Owned by Mark Sonder and Roxanne Sonder into the County of Warren**

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO  
SCHEDULE A PUBLIC HEARING ON A PROPOSED BOUNDARY  
ADJUSTMENT OF 3.3889 ACRES OWNED BY MARK SONDER  
AND ROXANNE SONDER INTO THE COUNTY OF WARREN

WHEREAS, Mark Sonder and Roxanne Sonder are the owners of a tract of land containing 3.3889 acres, more or less, said parcel being more particularly described as PIN 6002-72-9706-000, as shown on the Plat of Boundary Lines Between the County of Warren and the County of Fauquier, Marshall Magisterial District, by Joseph G. Brogan, C.L.S., dated September 16, 2004; and

WHEREAS, the Board of Supervisors, by the adoption of this resolution, has determined it to be in the best interest of the citizens of Fauquier County to consider adjusting the 3.3889-acre parcel into the County of Warren; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on a proposed boundary adjustment of 3.3889 acres of land owned by Mark Sonder and Roxanne Sonder into the County of Warren.

**A Resolution Authorizing the County Administrator and County Attorney to Take All Actions Necessary to Accept the Donation of a Conservation Easement from Lakeland Farm, LLC, on a 15.69-Acre Tract Identified as PIN 6073-73-1955**

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE DONATION OF A CONSERVATION EASEMENT FROM LAKELAND FARM, LLC, ON A 15.69-ACRE TRACT IDENTIFIED AS PIN 6073-73-1955

WHEREAS, the proposed resolution authorizes the County Administrator and County Attorney to take all actions necessary to accept a conservation easement from Lakeland Farm, LLC; and

WHEREAS, under the proposed action, Lakeland Farm, LLC, will donate a conservation easement on a 15.69-acre parcel of land located at 1700 Atoka Road in the Marshall Magisterial District, further identified as PIN 6073-73-1955; and

WHEREAS, the property has one residence on it and, under the County's sliding scale, has the right to be divided into one additional lot; and

WHEREAS, the conservation easement would prohibit that division, and any other future divisions of the property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2004, That the County Administrator and County Attorney be, and are hereby, authorized to take all actions necessary to accept the donation of a conservation easement from Lakeland Farm, LLC, on a 15.69-acre tract identified as PIN 6073-73-1955.

**A Resolution to Approve the Annual Application Cycle for Properties to be Considered Under the Fauquier County Purchase of Development Rights Program**

RESOLUTION

A RESOLUTION TO APPROVE THE ANNUAL APPLICATION CYCLE FOR PROPERTIES TO BE CONSIDERED UNDER THE FAUQUIER COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM



WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, on July 21, 2003, the Fauquier County Board of Supervisors authorized the negotiation and execution of purchases of (the first round of) development rights as determined by the Agricultural Advisory Committee; and

WHEREAS, the Fauquier County Board of Supervisors created the PDR Committee to assist the Board of Supervisors in selecting qualified farm properties for preservation; and

WHEREAS, on September 9, 2004 and on October 14, 2004, the Board of Supervisors authorized the negotiation and execution of (the second round of) development rights as recommended by the Purchase of Development Rights Committee; and

WHEREAS, the PDR Committee recognizes that properties accepted under the first and second rounds will be permanently protected as Fauquier County farmland, and further recognizes that there is an ongoing need to preserve additional farmland for the future of agriculture and open space needs in the County, and to mitigate the impact of development in the County; and

WHEREAS, the PDR Committee recommends that the Board of Supervisors authorize a third round of applicants to be considered under the Purchase of Development Rights Program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of November 2004, That the County Administrator be, and is hereby, authorized to open a third application cycle for properties to be considered under the Purchase of Development Rights Program, to run from November 12, 2004 through January 31, 2005, and, further, that applications are available from the Agricultural Development Office.

**A Resolution Reconstituting the New Baltimore Comprehensive Plan Service District Citizens Committee for the Purpose of Reviewing and Making Recommendations to the Planning Commission and Board of Supervisors on Updating the Service District Plan for the New Baltimore Service District**

RESOLUTION

A RESOLUTION RECONSTITUTING THE NEW BALTIMORE COMPREHENSIVE PLAN SERVICE DISTRICT CITIZENS COMMITTEE FOR THE PURPOSE OF REVIEWING AND MAKING RECOMMENDATIONS TO THE PLANNING COMMISSION AND BOARD OF SUPERVISORS ON UPDATING THE SERVICE DISTRICT PLAN FOR THE NEW BALTIMORE SERVICE DISTRICT

WHEREAS, the Fauquier County Comprehensive Plan establishes the New Baltimore Service District; and

WHEREAS, to help create a plan for the New Baltimore Service District portion of the Comprehensive Plan, the Board of Supervisors established a Citizens Committee to help review the then current plan, and to make recommendations to the Planning Commission and the Board of Supervisors on the appropriate planning for the district; and

WHEREAS, after adoption of the most recent New Baltimore Service District Plan, the Citizens Committee was discontinued; and

WHEREAS, five years has passed since the last review of the New Baltimore Service District, and the Board of Supervisors wishes to reconstitute the New Baltimore Service District Citizens Committee to begin the process of reviewing and revising the Fauquier County Comprehensive Plan for the New Baltimore Service District; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the New Baltimore Comprehensive Plan Service District Citizens Committee be, and is hereby, reconstituted; and, be it

RESOLVED FURTHER, That the following Fauquier County citizens be, and are hereby, appointed to the Citizens Committee:

Denise Williams	Barbara Severin	Peter Stokely
Erich Meding	Jeff Lippincott	Mike Strojni
Chuck Medvitz	Robert Dunleavy	Dennis McMillan
Ron Fehy	Walter Brown	Peter Hoagland
Dave Mailler	Bill Swick	Nancy Premen
Lori Hudson	Cecil Campbell	Holly Williams
Gary Nelson	Everett Garber	Gene Lawhun

; and, be it

RESOLVED FURTHER, That the following officials be, and are hereby, appointed to the Citizens Committee as participating and voting members:

Don Rose, Vint Hill Economic Development Authority Member  
Peg Mailler, Fauquier County Board of Zoning Appeals Chairman  
Holder Trumbo, Fauquier County Planning Commission  
Larry Weeks, Fauquier County Water and Sanitation Authority Member

; and, be it

RESOLVED FINALLY, That Holder Trumbo be, and is hereby, appointed Chairman of the Citizens Committee, and William Downey, Scott District Supervisor, be, and is hereby, appointed to the Citizens Committee as a non-voting member.

**AN ORDINANCE ADOPTING A TEXT AMENDMENT TO THE ZONING ORDINANCE TO CREATE A PURCHASE OF DEVELOPMENT RIGHTS INCENTIVE DISTRICT WITHIN SERVICE DISTRICTS**

Mr. Atherton moved to table a decision for thirty days, until December 9, 2004, on a proposed Ordinance adopting a text amendment to the Zoning Ordinance to create Purchase of Development Rights Incentive District within Service Districts. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**CONSIDER REZN04-CR-005: A REZONING TO ALLOW FOR 9.6 ACRES IN RURAL AGRICULTURAL (RA) TO INDUSTRIAL-GENERAL (I-2), CEDAR RUN DISTRICT**

Mr. Graham moved to table a decision for sixty days, until January 13, 2005, on a proposed rezoning to allow for 9.6 acres in Rural Agricultural (RA) to Industrial-General (I-2). Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO NEGOTIATE THE ACQUISITION OF THREE PARCELS OF REAL ESTATE, COMMONLY REFERRED TO AS THE COMMON OPEN SPACE FOR FOX MEADE SUBDIVISION IN LEE MAGISTERIAL DISTRICT, BEING FURTHER IDENTIFIED AS PINS 6889-94-9805, 6899-03-8862 AND 6899-13-1316, FOR PUBLIC PARKS PURPOSES**

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

## RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO NEGOTIATE THE ACQUISITION OF THREE PARCELS OF REAL ESTATE, COMMONLY REFERRED TO AS THE COMMON OPEN SPACE FOR FOX MEADE SUBDIVISION IN LEE MAGISTERIAL DISTRICT, AND BEING FURTHER IDENTIFIED AS PINs 6889-94-9805, 6899-03-8862 AND 6899-13-1316, FOR PUBLIC PARKS PURPOSES

WHEREAS, Trifam Systems, Inc. is the owner of three parcels of real estate, commonly referred to as the common open space for the Fox Meade Subdivision in Lee Magisterial District, and being further identified as PINs 6889-94-9805, 6899-03-8862, and 6899-13-1316, for public parks purposes; and

WHEREAS, the Fauquier County Parks and Recreation Department has expressed interest in the acquisition of the parcels for a public park and trail purposes; and

WHEREAS, Trifam has offered to either donate the property that is subject to the delinquent taxes to the County, or to sell the property to the County for the cost of the delinquent taxes now assessed against the property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the County Administrator and County Attorney be, and are hereby, authorized to take all actions necessary to negotiate the acquisition of three parcels of real estate, commonly referred to as the common open space for Fox Meade Subdivision in Lee Magisterial District, and being further identified as PINs 6889-94-9805, 6899-03-8862, and 6899-13-1316, for public park purposes.

### **A RESOLUTION TO APPROVE SIX (6) FIRE FIGHTER/PARAMEDIC POSITIONS**

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION TO APPROVE SIX (6) FIRE FIGHTER/PARAMEDIC POSITIONS

WHEREAS, The Board of Supervisors has continually emphasized its support in providing public safety services to citizens of Fauquier County; and

WHEREAS, the demands for Fire and Rescue services are expected to increase by forty percent (40%) in the next five years, and additional staff support is essential to address this growth; and

WHEREAS, the Department of Fire and Emergency Services and Volunteer Fire and Rescue Association have agreed that the most effective way to address this issue is to expand the current full-time staffing coverage; and

WHEREAS, this expansion would provide coverage for five 12-hour days a week, rather than the current four 10.5-hour days a week; and

WHEREAS, achieving this level of coverage will require six (6) additional Fire Fighter/Paramedic positions (five Fire Rescue Technicians and one Lieutenant) costing \$320,000 annually, including related expenses; and

WHEREAS, the Public Safety and Finance Committees have endorsed support for this request; and

WHEREAS, on October 14, 2004, the Board of Supervisors discussed this issue during a work session; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That six (6) additional Fire Fighter/Paramedic positions be, and are hereby, authorized effective January 1, 2005.

**A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO AUTHORIZE THE CONSTRUCTION OF A SIDEWALK FROM THE COUNTY'S FRANKLIN STREET PARKING LOT TO THE CHANCELLOR'S GATE SUBDIVISION**

Mr. Robison moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO AUTHORIZE THE CONSTRUCTION OF A SIDEWALK FROM THE COUNTY'S FRANKLIN STREET PARKING LOT TO THE CHANCELLOR'S GATE SUBDIVISION**

WHEREAS, Fauquier County owns a parking lot at the terminus of Franklin Street between the Fauquier County Detention Center and the Chancellor's Gate Subdivision; and

WHEREAS, the Chancellor's Gate Homeowners' Association has requested that the Board permit construction of a sidewalk between their subdivision and the County's parking lot; and

WHEREAS, the Chancellor's Gate Homeowners' Association is willing to assume all costs for the construction of the sidewalk; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the County Administrator be, and is hereby, directed to take all actions necessary to authorize the construction of a sidewalk from the County's Franklin Street parking lot to the Chancellor's Gate Subdivision; and, be it

RESOLVED FURTHER, That the sidewalk shall be constructed to meet all applicable State, Federal, and local regulations for sidewalks; and, be it

RESOLVED FINALLY, That the sidewalk shall be constructed to end in a "T" intersection at its terminus at the County's Franklin Street parking lot.

**A RESOLUTION TO AMEND A PREVIOUSLY APPROVED PURCHASE OF DEVELOPMENT RIGHTS APPLICATION**

Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO AMEND A PREVIOUSLY APPROVED PURCHASE OF DEVELOPMENT RIGHTS APPLICATION**

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted a resolution for the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, on July 21, 2003, the Fauquier County Board of Supervisors adopted a resolution to fund the Purchase of Development Rights Program, and among the applicants a landowner offered three parcels identified as PIN 6879-12-7845, PIN 6879-10-9751, and PIN 6879-24-9800; and

WHEREAS, the landowner has requested that only the 205-acre parcel identified as PIN 6879-24-9800 be purchased at this time, and

WHEREAS, on October 28, 2004, the Purchase of Development Rights Committee recommended that the Board of Supervisors approve the parcel identified as PIN 6879-24-9800 alone, and that the remaining two parcels identified as PIN 6879-12-7845 and PIN 6879-10-9751 be considered together in a separate application to be submitted by the landowner in the next application cycle; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the Purchase of Development Rights on the 205-acre parcel be, and is hereby, approved, and that the number of development rights be, and is hereby, changed from 19 for the three parcels, to 9 for the 205-acre parcel; and, be it

RESOLVED FURTHER, That in order for the remaining two parcels to be considered, the landowner must make another application for those two parcels in the next application cycle.

**A RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE A LEASE AMENDMENT AGREEMENT WITH THE FAUQUIER COUNTY SCHOOL BOARD**

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO  
EXECUTE A LEASE AMENDMENT AGREEMENT WITH THE  
FAUQUIER COUNTY SCHOOL BOARD

WHEREAS, on July 1, 1999, the Board of Supervisors and School Board entered into a lease of a portion of 320 Hospital Drive for administrative offices for the School Board; and

WHEREAS, on June 30, 2003, the aforesaid Lease and the First Amendment thereto expired; and

WHEREAS, the School Board and Board of Supervisors wish to enter into a new lease; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That the Chairman be, and is hereby, authorized to execute a Lease Amendment Agreement with the School Board.

## **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- District Nine Alcohol Safety Action Program Board (VASAP): Judge Charles Foley
- Parks & Recreation Board – Center District: Tom Harris, to fill an unexpired term ending September 30, 2005.

## **SUPERVISORS' TIME**

- Mr. Stribling remarked that the Board of Supervisors was well represented at the Virginia Association of Counties (VACo) annual meeting. He also advised that there had been indications that the State will be imposing unfunded mandates in the future.
- Mr. Graham asked the Board to reinstate discussions on transportation issues related to Virginia Railway Express (VRE), and Potomac and Rappahannock Transportation Commission (PRTC).
- Mr. Downey asked the Board to consider future discussions of a more equitable tax structure for small businesses in the County. He also announced that the Fauquier County Chamber of Commerce had named Andy Budd, proprietor of County Chevrolet, as 2004 Business Person of the Year.

## **ANNOUNCEMENTS**

There were no announcements.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY TRANSPORTATION SIX-YEAR PLAN**

A joint public hearing was held to consider a resolution to adopt the Virginia Department of Transportation 2005-2006 through 2010-2011 Secondary Road Six-Year Plan and the 2005-2006 Fiscal Year Budget. Garrett Moore, Resident Engineer for the Virginia Department of Transportation, discussed the proposed Secondary System Construction Program for Fiscal Years 2005/06 through Fiscal Years 2010/2011. No one else spoke. The public hearing was closed. Mr. Atherton moved to postpone a decision on the matter until the next regular meeting on December 9, 2004. Mr. Graham seconded, and the vote for the motion was unanimous as follows:



**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**SPECIAL EXCEPTION #SPEX04-CT-024 – FAUQUIER COUNTY BOARD OF SUPERVISORS, OWNER, AND FAUQUIER COUNTY PARKS & RECREATION DEPARTMENT, APPLICANT – CENTRAL AREA PARK**

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A public hearing was held to consider an application to obtain Special Exception approval under Category 23, which would allow for fill in the floodplain. The property is located on the south side of Old Auburn Road (Route 670), Center District, further identified as PIN #6993-16-9798-000. Rick Carr, Director of Community Development, summarized the application. Patricia Cutts, Center District; and Lynn Perrazoli, representing Black Horse Inn, spoke in opposition to the special exception, and asked the Board to consider alternative recreational uses for the property. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX04-CT-024, A CATEGORY 23 SPECIAL EXCEPTION TO ALLOW FOR FILL IN A FLOODPLAIN**

WHEREAS, the owner of the property identified by PIN #6993-16-9798-000 has requested a Category 23 Special Exception to allow for fill in the floodplain; and

WHEREAS, the requested Special Exception will allow the applicants to place fill in the floodplain during construction associated with the southeastern soccer field; and

WHEREAS, on October 28, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX04-CT-024 to the Board of Supervisors with a recommendation of conditioned approval; and

WHEREAS, on November 10, 2004, the Fauquier County Board of Supervisors held a public hearing and considered public testimony; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That Special Exception SPEX04-CT-024, Fauquier County Board of Supervisors, Owner,

and Fauquier County Department of Parks and Recreation, Applicant, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
2. The Special Exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any site plan submitted pursuant to this special exception shall be in general conformance with the Special Exception Plat received May 17, 2004, and these conditions.
3. Evidence of applicable Federal, State and local permits shall be required with the first submission of the Final Site Plan. No land disturbing permit for construction in the floodplain shall be issued until all of the necessary permits have been furnished to the Community Development Department. The permits may consist of, but are not limited to, a copy of the U. S. Army Corps of Engineers permit for disturbance of wetlands; the Department of Environmental Quality and/or Virginia Marine Resources Commission or Department of Conservation and Recreation permits for relocation of the stream, if applicable.
4. Wetlands delineation shall be verified by U.S. Army Corps of Engineers prior to Final Site Plan approval.
5. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system which would increase flood heights and/or velocities, on adjacent properties.
6. An initial Site Plan for the fill in the floodplain shall be filed within one (1) year after the approval of this Special Exception. No time limit shall be imposed on this Special Exception, provided that such a site plan has been filed within one year of approval of this Special Exception.
7. This Special Exception permits fill in the designated FEMA floodplain associated with the construction of the most southeastern soccer field (#2) based on approval of proposed grading by the County Engineer's office with approval of the required Site Plan.

**SPECIAL EXCEPTION #SPEX05-CT-003 - PRAISE COMMUNICATIONS, INC.,  
OWNER AND APPLICANT - WPRZ 1250 AM**

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A public hearing was held to consider an application to obtain Special Exception approval to allow for an increase in the square footage of an existing broadcasting building. The

property is located at 7351 Hunton Street in the Warrenton Service District, Center District, further identified as PIN #6984-89-8748-000. Rick Carr, Director of Community Development, summarized the application. Steve Buchanan, applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 - 0 as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *Mr. Richard W. Robison*

#### RESOLUTION

#### A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX05-CT-003, A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR AN INCREASE IN THE SQUARE FOOTAGE OF AN EXISTING BROADCASTING BUILDING

WHEREAS, the owner of the property identified by PIN #6984-89-8748-000 has requested a Category 20 Special Exception to allow for an increase in the square footage of an existing broadcasting building; and

WHEREAS, the requested Special Exception will allow the applicant to expand the broadcasting studio building for WPRZ 1250 AM; and

WHEREAS, on October 28, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX05-CT-003 to the Board of Supervisors with a recommendation of conditioned approval; and

WHEREAS, on November 10, 2004, the Fauquier County Board of Supervisors held a public hearing and considered public testimony; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That Special Exception SPEX05-CT-003, Praise Communications, Inc., Owner, and Steve W. Buchanan, Applicant, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The applicant shall provide a Site Plan, pursuant to Article 12 of the Zoning Ordinance.

4. The maximum square footage for the addition to the existing structure shall be 396 square feet.

**SPECIAL EXCEPTION #SPEX05-CR-004 - A.W. & WILLIAM C. PATTON, OWNER, AND RANGE 82, LLC, APPLICANT - RANGE 82, LLC**

Application withdrawn by applicant. No further action required.

**SPECIAL EXCEPTION #SPEX05-SC-005 – BISHOPS RUN, LLC, OWNER, AND ANGLER DEVELOPMENT, LLC, APPLICANT**

A public hearing was held to consider an application to obtain Special Exception approval under Category 1 to allow for up to twenty (20) residential apartment units above a retail center. The property is located on the west side of Riley Road (Route 676), north of Broad Run Church Road (Route 600), Scott District, further identified as PIN #7916-12-8941-000. Rick Carr, Director of Community Development, summarized the application. John Foote, Esquire, representing the applicant, requested favorable consideration of the application. Monica Martin, Scott District; and Peter Karanovich, Scott District, spoke in opposition to the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 - 1 as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX05-SC-005 A CATEGORY 1 SPECIAL EXCEPTION TO ALLOW FOR UP TO TWENTY (20) RESIDENTIAL UNITS ABOVE A RETAIL CENTER

WHEREAS, the owners of the property identified by PIN 7916-12-8941-000 have requested a Category 1 Special Exception to allow for residential apartment units above a retail center; and

WHEREAS, the requested Special Exception will allow the applicant to construct up to twenty (20) residential apartment units above a commercial retail center; and

WHEREAS, this approval includes only the ±9-acre Neighborhood Retail Center with apartment units above the commercial retail identified on the Special Exception Plat called “Bishops Run Retail Center,” dated August 27, 2004; and

WHEREAS, per the approved Bishops Run Proffer Statement, as revised on May 17, 2004, the residential apartments would be limited to 1½ stories, restricted to one-bedroom units with lofts and have residential architectural features consistent with the “Town Center Mixed Use Complex” dated February 1, 2004; and

WHEREAS, on October 28, 2004, the Planning Commission voted to forward this Special Exception SPEX05-SC-005 to the Board of Supervisors with a recommendation of conditioned approval; and

WHEREAS, on November 10, 2004, the Fauquier Board of Supervisors held a public hearing and considered public testimony; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That Special Exception SPEX05-SC-005, Bishops Run, LLC, Owner, Angler Development, LLC, Applicant, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
4. An initial Site Plan shall be filed within one (1) year of the approval of this Special Exception. No time limit shall be imposed on this Special Exception, provided that a Site Plan is filed within one (1) year of approval.
5. The development of the property shall be in general conformance with the Special Exception Plat entitled "Bishops Run Retail Center" dated August 27, 2004 and received in the Planning Office on August 28, 2004, except as modified by these conditions.
6. The building labeled “Daycare” on the aforementioned Plan shall only be used as a daycare facility. If the building’s use changes, a new parking analysis shall be submitted along with a revised Site Plan, for any different use, to determine if the overall number of parking spaces at the site is still consistent with the parking reduction granted with this Special Exception.
7. The property association agreement shall be provided to the County for review and comment prior to Site Plan approval as it relates to stormwater management/BMP facilities, landscaping, parking agreements/arrangements, parking lot maintenance, private streets, open space, etc.
8. The maximum number of apartment units shall be twenty (20).

9. The maximum number of bedrooms per unit shall be one (1).
10. The apartments shall not exceed 1½ stories (one level with a loft).
11. Apartments shall be limited to the 2<sup>nd</sup> floor and above.
12. This Special Exception approval grants a 20% reduction of the number of parking spaces required pursuant to Zoning Ordinance Sections 5-103.2.e, 7-102.3 and 7-102.4 for the nonresidential components of the development and removes the requirement for visitor parking spaces for the residential portion of the development. This allows for 280 parking spaces, as a reduction from the required 347 spaces.
13. The Shared Parking Agreement shall be provided to the County for review and approval prior to Site Plan approval. This Agreement shall provide that all tenants shall share parking rights for a specified number of parking spaces; however, a limited number of parking spaces may be assigned to a particular user/tenant.
14. Overnight parking of boats, trailers, or camper type vehicles shall not be permitted on the site.
15. The minimum front yard shall be 14 feet measured from the property line in accord with Zoning Ordinance Section 5-103.2.c.
16. Per the Proffer Statement, as revised on May 17, 2004, the uses allowed with this Special Exception shall be those uses identified in Article 3 of the Zoning Ordinance permitted in the C-1 zoning district, except the following or similar uses shall not be permitted in mixed residential use buildings:
  - a. Auto Repair Garage;
  - b. Car Wash;
  - c. Motor Vehicle Impoundment Yard;
  - d. Automobile Sales;
  - e. Broadcasting Studio;
  - f. Recreational Vehicle Storage Area;
  - g. Kennel/Animal Shelter;
  - h. Funeral Home; and
  - i. Recycling Center.

In addition, the following or similar uses (although not addressed in the proffers) shall not be permitted in mixed residential use buildings:

- j. Medical Care Facility, Minor or Major;
- k. Golf, Miniature;
- l. Veterinary Clinic;
- m. Furniture Repair, Cabinet Making, Upholstery, More Than 5,000 sq. ft.;
- n. Welding, Sheet Metal Shops, Less or More Than 5,000 sq. ft.; and

- o. Any Category 14 Use except vehicle part sales, installation (not including repair garage).
17. This Special Exception approval does not remove any Site Plan, Administrative Special Permit, Special Permit or Special Exception approval required for specific uses permitted in the C-1 zoning district, pursuant to Article 3 of the Zoning Ordinance.
  18. The Bishops Run Retail Center entrance shall meet the Virginia Department of Transportation (VDOT) design requirements.
  19. Landscaping along Riley Road shall be consistent with VDOT requirements as promulgated in its "Guidelines for Planting along Virginia's Roadways".
  20. The property owners association shall be responsible for the continued upkeep and maintenance of landscaping within the retail center complex.
  21. The architectural appearance of the mixed-use residential buildings shall be as shown on the rendering received in the Planning Office August 27, 2004, entitled "Town Center Mixed Use Complex".

**SPECIAL EXCEPTION #SPEX05-MA-013 – JOHN AND ROMA SHERMAN, OWNERS AND APPLICANTS – THE ASHBY INN**

A public hearing was held to consider an application to obtain Special Exception approval under Category 7 to amend a previously approved Special Exception Condition to remove the limitation of the use to the current owner and tie the Special Exception use to the land/parcels. The property is located at 692-678 Federal Street in the Village of Paris, Marshall District, further identified as PIN #6034-89-5235-000 and PIN #6034-89-4562-000. Rick Carr, Director of Community Development, summarized the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO APPROVE SPEX05-MA-013, A CATEGORY 7 SPECIAL EXCEPTION TO REMOVE THE LIMITATION OF USE FROM the CURRENT OWNERS AND TIE THE USE TO THE LAND/PARCELS**

WHEREAS, the owners of the property identified by PINs #6034-89-5235-000 and #6034-89-4562-000 have requested a Category 7 Special Exception, which would allow for an amendment to a previously approved Special Exception condition; and

WHEREAS, the requested Special Exception will allow for the removal of the condition which limits the approved use to the applicants and instead convey the use with the land; and

WHEREAS, on October 28, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX05-MA-013 to the Board of Supervisors with a recommendation of conditioned approval; and

WHEREAS, on November 10, 2004, the Fauquier County Board of Supervisors held a public hearing and considered public testimony; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of November 2004, That Special Exception SPEX05-MA-013, John and Roma Sherman, Owners and Applicants, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application, also known as PIN #6034-89-5235-000 and PIN #6034-89-4562-000, and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled "Special Exception Plat, Ashby Inn" dated August 25, 2004, and received in Community Development on September 7, 2004, approved with the application, as qualified by these development conditions.
3. Ashby Inn (692 Federal Street):
  - a) All overnight guests shall be provided with off-street parking.
  - b) The restaurant will not be open to the public until 12:00 noon on Sundays.
  - c) No more than 50 seats for inside dining.
  - d) No more than 20 seats for outside dining.
  - e) Adequate off-street parking shall be provided for all dining guests.
  - f) A shrub hedge will be planted and maintained to screen the Paris Methodist Church from the Ashby Inn.
4. Ashby Inn Schoolhouse B&B (678 Federal Street):
  - a) Shall have access to parking via Main Street only.
  - b) No food or alcoholic beverages shall be served.
  - c) A maximum of four (4) suites with no more than eight adults.
  - d) No kitchen facilities or food preparation shall be maintained on the property.
  - e) A maximum of four (4) vehicles permitted on the property at any point in time.
  - f) Appropriate landscaping and screening will be provided between the subject property and adjacent properties.



5. Applicant must furnish evidence that the site meets all applicable State and local health requirements.
6. The exterior appearance of the structures shall maintain the appearance of a single family residence and normal residence accessory structures so as to match the typical architecture of the area.
7. Amplified sound shall not exceed 60 decibels at the lot line.
8. Shall maintain Glare Standards of Section 9-900 of the Fauquier County Zoning Ordinance.
9. Shall maintain Standards for Outdoor Light Control of Section 9-1000 of the Fauquier County Zoning Ordinance.
10. Any activity not specified in this Special Exception shall require new permit or Special Exception approval.

**APPLICATION FOR AN EXEMPTION OF REAL AND PERSONAL PROPERTY  
FROM TAXATION - FAUQUIER HERITAGE & PRESERVATION FOUNDATION,  
INC., APPLICANT**

A public hearing was held to consider an application from Fauquier Heritage & Preservation Foundation, Inc. to have its real and personal property exempted from taxation. The application was made pursuant to Section 8-53 of the Code of Fauquier County, and Section 58.1-3651 of the Code of Virginia. Mr. Atherton waived a staff report. Bob Sinclair, representing the applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**ORDINANCE**

**AN ORDINANCE EXEMPTING THE REAL AND PERSONAL PROPERTY OWNED BY  
FAUQUIER HERITAGE & PRESERVATION FOUNDATION, INC. FROM TAXATION**

WHEREAS, Fauquier County Code Section 8-53 authorizes the Board of Supervisors to designate property as exempt from taxation where such property is held by organizations that use the property exclusively for religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purposes; and

WHEREAS, Virginia Code §58.1-3651 sets forth the process and procedure by which a locality may designate property as tax exempt; and

WHEREAS, Virginia Code §58.1-3651.B requires that, prior to the adoption of any Ordinance exempting property from local taxation, the Board of Supervisors shall hold a public hearing on the proposed application; and

WHEREAS, after due notice and public hearing, the Board of Supervisors has considered the questions set forth in Virginia Code §58.1-3651.B and, upon consideration of those questions, has determined that the application for the proposed exemption from taxation should be granted; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of November 2004, That the real and personal property owned by Fauquier Heritage & Preservation Foundation, Inc., be, and is hereby, designated as exempt from taxation for real and personal property taxes of the County based upon Fauquier Heritage & Preservation Foundation, Inc.'s exclusive use of said property for historical purposes; and, be it

ORDAINED FURTHER, That the continuance of this exemption shall be conditioned upon the continuous use of this property in accordance with the purpose for which this organization has been designated; and, be it

ORDAINED FINALLY, That this exemption shall be effective on January 1, 2005.

With no further business, the meeting was adjourned at 8:30 p.m.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on November 10, 2004.*

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*G. Robert Lee  
Clerk to the Board of Supervisors*